

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DANTE PATTISON,

4 Plaintiff,

5 v.

6 THE STATE OF NEVADA, et al.,

7 Defendants.

Case No.: 3:19-cv-00406-MMD-WGC

**Report & Recommendation of
United States Magistrate Judge**

Re: ECF Nos. 1, 1-1

8 This Report and Recommendation is made to the Honorable Miranda M. DU, United States
9 District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
10 § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

11 Plaintiff has filed an application to proceed in forma pauperis (IFP) (ECF No. 1) and
12 "motion for leave to perpetuate existing evidence, documents and things prior to bringing new
13 independent, equitable action obtaining relief from jud. for fraud upon the court" (ECF No. 1-1.)

14 Plaintiff does not properly bring a complaint for relief; therefore, it is recommended that
15 the IFP application be denied and the case be dismissed.

16 Plaintiff's filing states that before he can file his "equitable action" he requires access to all
17 of his court documents in case 3:14-cv-00020-MMD-VPC, stored in the Northern Nevada
18 Correctional Center (NNCC) property room. He also wants the Inspector General's Office to
19 produce for inspection and copying all documents, records and evidence generated in 2012 and
20 2018 investigations.

21 "A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3.
22 Plaintiff has not filed a complaint against any defendant, but instead asks the court to either provide
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1 or order that he provided with documentation from another court case as well as the Inspector
2 General's Office at the Nevada Department of Corrections (NDOC) so he can draft a complaint.

3 The Court cannot provide copies or mailing service for parties, even indigent plaintiffs
4 proceeding IFP. Therefore, Plaintiff's IFP application should be denied and this action dismissed.
5 If Plaintiff wishes to receive copies of electronically filed documents from the Court, the cost is
6 \$0.10 per page. Nev. LR IC 1-1(i)(5); 28 U.S.C. § 1914. If Plaintiff seeks documents from the
7 NDOC, he should consult the applicable administrative regulations and make such a request.

8 As a result of this recommendation, the court should also deny Plaintiff's motion to reinstate
9 his retaliation claim from case 3:14-cv-00020-MMD-VPC (ECF No. 3) and motion for order
10 allowing deposition equipment to be received in prison (ECF No. 4). The court notes that Plaintiff
11 already appealed dismissal of the retaliation claim in 3:14-cv-00020-MMD-VPC, and the Ninth
12 Circuit affirmed dismissal. Plaintiff's remedy, if any, was to timely appeal that decision; however,
13 it appears he failed to do so, and the court may not revive that claim sua sponte now.

14 **RECOMMENDATION**

15 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DENYING**
16 Plaintiff's IFP application (ECF No. 1), **DENYING** ECF Nos. 3 and 4, and **DISMISSING** this
17 action with prejudice.

18 The Plaintiff should be aware of the following:

19 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
20 this Report and Recommendation within fourteen days of being served with a copy of the Report
21 and Recommendation. These objections should be titled "Objections to Magistrate Judge's Report
22 and Recommendation" and should be accompanied by points and authorities for consideration by
23 the district judge.

1 2. That this Report and Recommendation is not an appealable order and that any notice of
2 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
3 until entry of judgment by the district court.

4 Dated: August 1, 2019.

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7 William G. Cobb
8 United States Magistrate Judge
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